

Message Text

PAGE 01 STATE 297863 TOSEC 120175
ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

DRAFTED BY EA/K:RGRICH,JR.:JCM
APPROVED BY EA:WHGLESTEEN,JR.
L/EA - MRS. VERVILLE
P - MR. FORBES (SUBS.)
JUSTICE - MR. MICHEL
JUSTICE - MR. CIVILETTI
S/S-O - MR. GOLDSMITH

-----033672 140218Z /64

Z O 140156Z DEC 77 ZFF6
FM SECSTATE WASHDC
TO AMEMBASSY SEOUL FLASH
INFO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 297863 TOSEC 120175

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: TONGSUN PARK AFFAIR: MUTUAL PROSECUTION
ASSISTANCE AGREEMENT REFORMULATION

REFS: (A) STATE 29593, (B) SEOUL 10442.

1. FOLLOWING IS REFORMULATION OF MPAA IN RESPONSE TO
ROKG SUGGESTIONS TRANSMITTED REF B. IN INTEREST OF
CLARITY, WE ARE PROVIDING FULL TEXT WITH PARAGRAPH BY
PARAGRAPH COMMENTARY RELATED TO ROKG SUGGESTIONS AS
APPROPRIATE.

TITLE: MUTUAL PROSECUTION ASSISTANCE AGREEMENT
SECRET

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PREAMBLE: THE FOLLOWING EVIDENCES THE AGREEMENT REACHED
BETWEEN THE REPUBLIC OF KOREA MINISTRY OF JUSTICE AND
THE UNITED STATES DEPARTMENT OF JUSTICE CONCERNING
TERMS AND CONDITIONS FOR COMMUNICATING WITH MR. TONGSUN
PARK:

COMMENT: NO CHANGE.

1. THE JOINT STATEMENT ISSUED ON (BLANK) BY THE
FOREIGN MINISTER OF THE REPUBLIC OF KOREA, PARK TONG-JIN,

AND THE UNITED STATES AMBASSADOR TO THE REPUBLIC OF KOREA, RICHARD L. SNEIDER, IS INCORPORATED BY REFERENCE INTO THIS AGREEMENT.

COMMENT: ROK SUGGESTION ACCEPTED. REMAINING SENTENCE DELETED.

2. MR. TONGSUN PARK MAY BE REPRESENTED BY COUNSEL OF HIS CHOICE AT ALL MEETINGS AND QUESTIONING SESSIONS IN KOREA OR THE UNITED STATES.

COMMENT: REMAINDER OF PARAGRAPH DELETED IN INTEREST OF SIMPLICITY. THIS MEETS ROKG OBJECTIONS TO EXACT WORDING OF THAT PORTION.

3. AT THE MEETING TO BE HELD AT THE AMERICAN EMBASSY, MR. TONGSUN PARK AND U.S. JUSTICE OFFICIALS WILL BE EXPECTED TO SIGN A MEMORANDUM OF UNDERSTANDING REPRESENTING THE AGREEMENT BETWEEN MR. TONGSUN PARK AND THE U.S. DEPARTMENT OF JUSTICE AND THE OFFER TO SEEK DISMISSAL OF THE INDICTMENT PRESENTLY PENDING AGAINST HIM FOLLOWING THE COMPLETION OF HIS TESTIMONY AND
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COOPERATION.

COMMENT: THIS IS SLIGHT ADJUSTMENT OF WHAT WAS FORMERLY PARA 4. IN INTEREST OF BREVITY, AND AS REQUESTED BY ROKG, WE HAVE DROPPED FORMER PARA THREE, BUT WISH TO RETAIN THIS PARAGRAPH.

4. (FORMER NO. 5) DURING THE SUBSEQUENT INTERROGATION OF MR. TONGSUN PARK IN SEOUL, KOREA, THE UNITED STATES DEPARTMENT OF JUSTICE PROSECUTORS WILL PUT QUESTIONS TO MR. PARK IN ENGLISH, AND MR. PARK WILL ANSWER IN ENGLISH. MR. PARK'S ANSWERS TO A PARTICULAR QUESTION SHALL BE STATED IMMEDIATELY AND WITHOUT DELAY FOR TRANSLATION, AND SIMULTANEOUS TRANSLATION INTO KOREAN SHALL BE EMPLOYED AS NEEDED.

COMMENT: WE HAVE SHORTENED THIS SECTION AND TRIED TO MAKE IT MORE FELICITOUS FROM KOREAN PERSPECTIVE. REFERENCE TO SIMULTANEOUS TRANSLATION DRAWN FROM AMBASSADOR'S DISCUSSION WITH FOREIGN MINISTER.

5. (FORMER PARA SEVEN). AT THE START OF EACH SESSION OF QUESTIONING, KOREAN PROSECUTORS WILL BRIEFLY PUT QUESTIONS TO MR. PARK. THEREAFTER, U.S. PROSECUTORS WILL PUT QUESTIONS TO MR. PARK WITHOUT INTERRUPTION.

COMMENT: IN THE INTEREST OF BREVITY AND BECAUSE SOME

ESSENTIALS ARE COVERED IN THE JOINT STATEMENT, WE HAVE CONSIDERABLY SHORTENED THIS PARAGRAPH. FORMER PARAGRAPHS SIX AND EIGHT ARE ALSO DELETED IN THEIR ENTIRETY. THIS IS RESPONSIVE TO ROKG REQUEST.

6. (FORMER PARA NINE). AT THE OPTION OF THE AMERICAN PROSECUTORS IN LIEU OF QUESTIONING ON THE RECORD, MR. PARK MAY BE EXAMINED BY U.S. POLYGRAPH
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EXAMINER CONCERNING ANY QUESTION PREVIOUSLY PUT, OR BE INTERVIEWED OFF THE RECORD.

COMMENT: WE WISH ADDITION OF FINAL PHRASE CONSISTENT WITH OUR DISCUSSIONS ON THIS POINT.

7. (FORMER PARA TEN). THE QUESTIONING SHALL CONCERN MR. PARK'S RELATIONSHIP WITH UNITED STATES OFFICIALS, INCLUDING CONGRESSMEN, AND RELATED ACTIONS OR STATEMENTS MADE BY PARK OR MADE IN HIS PRESENCE. MR. PARK MAY ALSO BE QUESTIONED ABOUT KOREAN OR AMERICAN PERSONS OR ENTITIES UTILIZED BY HIM TO CONDUCT SUCH RELATIONSHIP. THE QUESTIONING SHALL NOT CONCERN ACTIONS OR STATEMENTS OF PRESENT OR FORMER OFFICIALS OF THE REPUBLIC OF KOREA OR ANY THIRD COUNTRY, EXCEPT THOSE CONCERNING OR OCCURRING IN THE PRESENCE OF U.S. OFFICIALS.

COMMENT: WE CANNOT AGREE TO ROKG PROPOSALS ON THIS PARAGRAPH FOR REASONS POLCOUNSELOR HAS EXPLAINED. HOWEVER, WE HAVE TRIED TO SIMPLIFY WORDING SOMEWHAT.

8. (FORMER PARA ELEVEN). WHEN MR. TONGSUN PARK COMES TO THE UNITED STATES IN CONNECTION WITH PROSECUTION OF INDICTMENTS AGAINST U.S. OFFICIALS OR PERSONS, THE SCOPE OF QUESTIONING BY THE PROSECUTION SHALL BE THE SAME AS IN KOREA.

COMMENT: ESSENTIALLY UNCHANGED.

9. (FORMER PARA TWELVE). IN ADDITION TO TESTIFYING AS A PROSECUTION WITNESS DURING TRIALS OF U.S. OFFICIALS OR PERSONS, MR. PARK MAY BE REQUIRED TO
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COOPERATE AT RELATED PROCEEDINGS SUCH AS PRE-TRIAL MOTIONS.

COMMENT: THIS IS RESPONSIVE TO ROK REQUEST. WE HAVE DELETED ENTIRE LAST PORTION.

10. (FORMER PARA THIRTEEN). IF BETWEEN THE SEOUL INTERROGATION AND MR. PARK'S FIRST APPEARANCE IN CONNECTION WITH TRIALS IN THE UNITED STATES, U.S. PROSECUTORS NEED TO QUESTION HIM FURTHER, ARRANGEMENTS WILL BE MADE PURSUANT TO FURTHER AGREEMENT OF THE GOVERNMENTS OF THE UNITED STATES AND THE REPUBLIC OF KOREA AND MR. TONGSUN PARK.

11. (FORMER PARA FOURTEEN). IT SHOULD NOT BE NECESSARY FOR MR. PARK TO APPEAR BEFORE THE U.S. GRAND JURY, SINCE THE TRANSCRIPTS OF THE SEOUL INTERROGATION WILL BE PRESENTED TO THE GRAND JURY AND SHOULD SUFFICE IN LIEU OF HIS PERSONAL APPEARANCE.

12. (FORMER PARA FIFTEEN). IN ADDITION, RELEVANT PORTIONS OF THE TRANSCRIPTS OF MR. PARK'S SEOUL INTERROGATION MAY BE PROVIDED BY THE U.S. DEPARTMENT OF JUSTICE TO U.S. CONGRESSIONAL COMMITTEES. THE COMMITTEES WILL BE URGED TO ACCEPT THE TRANSCRIPTS IN LIEU OF PERSONAL APPEARANCES BY MR. PARK. IN ADDITION, THEY WILL BE ASKED BY THE U.S. DEPARTMENT OF JUSTICE NOT TO SUBPOENA MR. PARK WHEN HE VISITS THE UNITED STATES FOR TRIAL TESTIMONY.

COMMENT: ABOVE THREE PARAGRAPHS ARE UNCHANGED.

13. (FORMERLY UNNUMBERED FINAL PARAGRAPH). IT IS UNDERSTOOD THAT THIS AGREEMENT HAS NOT BEEN JOINED IN BY ANY U.S. CONGRESSIONAL COMMITTEE AND IS NOT INTENDED TO CONTROL REQUESTS FROM THE U.S. CONGRESS WHICH MAY BE
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MADE TO THE KOREAN GOVERNMENT OR SUCH RESPONSES AS THE KOREAN GOVERNMENT MAY MAKE THERETO, CONCERNING MR. TONGSUN PARK OR ANY OTHER KOREAN CITIZEN BELIEVED TO HAVE KNOWLEDGE OF ALLEGED BRIBERY OF UNITED STATES PERSONS.

COMMENT: THIS IS A HIGHLY IMPORTANT PARAGRAPH AND IT WILL NOT BE SUFFICIENT FOR IT TO BE COVERED BY AN ORAL STATEMENT BY THE U.S. SIDE, AS SUGGESTED BY PAK SANG-YONG. CHRISTOPHER

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DRAFTED BY:S/S-O:JTHYDEN

APPROVED BY:S/S-O:JTHYDEN

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FM SECSTATE WASHDC

TO WHITE HOUSE IMMEDIATE

S E C R E T STATE 297863

EXDIS DISTRIBUTE AS NODIS FOR BRZEZINSKI

FOLLOWING TELEGRAM FROM SECSTATE WASHDC DATED DECEMBER 14,
1977 SENT SEOUL INFO USDEL SECRETARY IS REPEATED TO YOU:
QUOTE

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THE U.S. DEPARTMENT OF JUSTICE AND THE OFFER TO SEEK DISMISSAL OF THE INDICTMENT PRESENTLY PENDING AGAINST HIM FOLLOWING THE COMPLETION OF HIS TESTIMONY AND COOPERATION.

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9. (FORMER PARA TWELVE). IN ADDITION TO TESTIFYING AS A PROSECUTION WITNESS DURING TRIALS OF U.S. OFFICIALS OR PERSONS, MR. PARK MAY BE REQUIRED TO COOPERATE AT RELATED PROCEEDINGS SUCH AS PRE-TRIAL MOTIONS.

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SECRET

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Message Attributes

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Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TOSEC, AGREEMENTS, LITIGATION, CORRUPTION, BRIBERY, INTERGOVERNMENTAL
Control Number: n/a
Copy: SINGLE
Sent Date: 14-Dec-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: ADS
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Drafter: EA/K:RGRICH,JR.:JCM
Enclosure: EXDIS DISTRIBUTE AS NODIS
Executive Order: 11652 GDS
Errors: n/a
Expiration:
Film Number: P850106-1815
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From: STATE
Handling Restrictions:
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Original Classification: SECRET
Original Handling Restrictions: EXDIS NODIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Retention: 0
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Review Date: 01-Mar-2005 12:00:00 am
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Review Exemptions: n/a
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Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 119468
Secure: LOCK1
Status: NATIVE
Subject: TONGSUN PARK AFFAIR: MUTUAL PROSECUTION
TAGS: PGOV, PINT, KS, US, (TONGSUN PARK)
To: SEOUL FLASH INFO SECRETARY
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/19f55dfc-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009